

Applic. No.: 09/940,092

Amdt. Dated February 15, 2005

Reply to Office action of December 15, 2004

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-9 remain in the application.

In item 2 in the section entitled "Claim Rejections - 35 USC § 103" on pages 2-3 of the above-mentioned Office action, claims 1-2, 4, 6-7, and 9 have been rejected as being unpatentable over Kirchlinde et al. (US Pat. No. 6,577,227 B1) in view of Nysen et al. (US Pat. No. 5,164,985) under 35 U.S.C. § 103(a).

In item 3 on page 4 of the above-mentioned Office action, claim 3 has been rejected as being unpatentable over Kirchlinde et al. in view of Nysen et al. and further in view of Daiss et al. (US Pat. No. 6,549,115) under 35 U.S.C. § 103(a).

In item 4 on pages 4-5 of the above-mentioned Office action, claims 5 and 8 have been rejected as being unpatentable over Kirchlinde et al. in view of Nysen et al. in further view of Gold (German Published, Non-Prosecuted Patent Application DE 197 18 423 A1) under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and

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the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

a vehicle-mounted transceiver unit for emitting an interrogation signal, said transceiver unit having an antenna unit emitting a wave having one of an elliptical polarization and a circular polarization and the wave including the interrogation signal;

a portable code transmitter transmitting back a response signal only after receiving the interrogation signal having one of the elliptical polarization and the circular polarization; and

a vehicle-mounted evaluation unit receiving and checking an authorization of the response signal and upon the response signal providing proper authorization, said vehicle-mounted evaluation unit evaluating a received signal and comparing a code content of the received signal with a stored value only after receiving a circularly polarized or elliptically polarized signal, said evaluation unit one of triggering and enabling vehicle-specific functions.

Claim 4 calls for, inter alia:

using a vehicle-mounted transceiver unit for emitting an interrogation signal provided in a wave having one of an elliptical polarization and a circular polarization;

receiving the interrogation signal having one of the elliptical polarization and the circular polarization in a portable code transmitter;

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evaluating a received signal and comparing a code content of the received signal with a stored value by a vehicle-mounted evaluation unit only after receiving a circularly polarized or elliptically polarized signal.

Claim 7 calls for, inter alia:

receiving an interrogation signal in a wave having one of an elliptical polarization and a circular polarization in a portable code transmitter and subsequently transmitting back a response signal as a wave having one of an elliptical polarization and a circular polarization; and

recognizing the response signal as being authorized by a vehicle-mounted transceiver unit only after receiving a circularly polarized or elliptically polarized signal and only if, at least two field components of the response signal which are different in their spatial direction are received and, a coded information item contained in the response signal corresponds to a coded information item expected by the vehicle-mounted evaluation unit.

Kirchlinde et al. disclose an access control system for a vehicle using neither circular nor elliptical polarized waves. Nysen et al. disclose a general communication system using either circular or elliptical polarized waves. However, Nysen et al. do not give any hint toward using circular or elliptical polarized waves for anti-theft systems for vehicles.

Employing circular or elliptical polarized waves for exchanging information for an anti-theft system for vehicles is not obvious because it requires more complex and hence more costly transmitting and receiving hardware which is not very popular in a highly competitive automotive market. Also, it

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is noted that US 6,577,227 (Kirchlinde et al., filed 1999) was filed more than 10 years after US 5,164,985 (Nysen et al., filed 1989) and still does not give any hint toward using circular or elliptical polarized waves for anti-theft systems for vehicles.

It is accordingly believed that there is no suggestion or motivation for a person skilled in the art to combine Kirchlinde et al. and Nysen et al. Claims 1, 4, and 7 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1, 4, or 7, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-9 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to 37 CFR Sections 1.16 and 1.17 to

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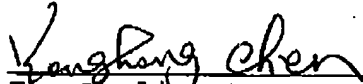
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the Deposit Account of Lerner and Greenberg, P.A., No. 12-
1099.

Respectfully submitted,

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